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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DANIEL RYAN MIDDLETON,

13 Defendant.  
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NO. CR-04-127-RHW

**ORDER DENYING THE  
GOVERNMENT'S MOTION FOR  
RECONSIDERATION OF THE  
SENTENCE IMPOSED**

15 Before the Court is the Government's Motion for Reconsideration of the  
16 Sentence Imposed (Ct. Rec. 54). Defendant was convicted of one count of  
17 Conspiracy to Possess with Intent to Distribute 100 Kilograms or More of  
18 Marijuana and was sentenced on March 14, 2005 to 18 months, 4 years supervised  
19 release; and \$100 special assessment (Ct. Rec. 52).

20 In its motion, the Government suggests that the Court misapprehended the  
21 stipulation between the parties. In concluding that Defendant should be  
22 accountable only for the amount of marijuana that he individually carried across  
23 the border, the Court was aware that Defendant stipulated to a different amount in  
24 the plea agreement. Nonetheless, in reviewing the facts of the case, and  
25 considering the sentencing factors set forth in 18 U.S.C. § 3553, the Court  
26 concluded that a sentence of 18 months was an appropriate sentence. The  
27 Government has not presented any persuasive argument that the Court should  
28 reconsider this determination.

**ORDER DENYING THE GOVERNMENT'S MOTION FOR  
RECONSIDERATION OF THE SENTENCE IMPOSED ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The Government's Motion for Reconsideration of the Sentence  
3 Imposed (Ct. Rec. 54) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
5 order and to provide copies to counsel.

6 **DATED** this 12<sup>th</sup> day of May, 2005.

7  
8 s/ ROBERT H. WHALEY  
9 United States District Judge  
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